

CENTRAL INFORMATION COMMISSION
Appeal No.CIC/WB/A/2007/00218 dated 28.2.2007
Right to Information Act 2005 – Section 19

Appellant - Maj. (Retd) P.M. Ravindran
Respondent - High Court of Delhi.

Facts:

By an application of 25.2.2006 Maj. P.M. Ravindran of Kalpathy, TN made an application to the Registrar, Delhi High Court New Delhi seeking the following information:

“It is understood that a petition has been filed by DCM Financial Services Ltd. For restructuring their debts and reviving their company and the petition is pending with you.

I request you to provide me the following information in the context of the above petition.

1. A copy of the petition.
2. Present position of the petition and
3. The next date of hearing in the matter of the petition.”

To this he received a response on 15.9.06 as follows:

“You are required to submit your application in the prescribed proforma (Form A) and deposit the deficient fee of Rs. 490/- (Rs. Four Hundred & Ninety only) payable to Registrar General, Delhi High Court, New Delhi, so that necessary action may be taken.”

Accordingly Maj. Ravindran submitted a fresh application on 20.9.06 in the prescribed format but stated as follows:

“However, no additional fee is being deposited/sent for the following reasons:

- a) *The fee demanded by you is as per High Court of Delhi New Delhi Notification No. 180 Rules/DHC dated 11th August,2006 applicable only from the date of its publication in the official Gazette.*
- b) *My application was submitted on 25 July 2006, as per the then existent orders and is complete and valid as per them.”*

On not receiving a response he moved an appeal before us classifying his application of 20.9.06 as a first appeal with the following prayer:

“8.1.The information sought should be provided free of cost as per the RTI Act

8.2. The fees introduced as per Delhi High Court Notification No. 180/Rules/DHC dated 11 August, 2006 and effective from the date of its publication in the official Gazette, are exorbitant and may be rationalized.”

He also sought that not having been given the information within the time limit prescribed, he be given the information free of cost.

The appeal was scheduled for hearing on 1.6.07 through an appeal notice on 24.5.07. Having received this on 26.5.'07 and pleading that the time given for preparing the response was too short Shri Kalam Singh, Registrar (Admn) High Court of Delhi through a letter of 31.5.07 moved for an adjournment. In the meantime appellant Maj Ravindran had moved to Coimbatore to attend the hearing at the NIC Studio there. On this hearing being postponed he sought compensation for expenses incurred of Rs.500/- as damages u/s 19(8) (b). The notice for hearing being sent less than seven days before the hearing scheduled was in violation of the Appeal Procedure Rules 7(1). Hence the request for adjournment was conceded and the hearing was held through Video Conferencing on 16.7.07. The following are present:-

Appellant, in NIC Studio Coimbatore

1. Maj. P.M.Ravindran,

Respondents, in NIC Studio Delhi

2. Mr. Rajiv Bansal, Advocate representing HC.

3. Mr. A. K. Mahajan, Jt.Registrar/PIO, HC

4. Mr. Sudhir Sachdeva, Sr. Judicial Assistant.

5. Mr. Sanjay Gupta, Jr. Judicial Asstt.

The issues before us are as follows:

1. That the information be provided free of cost.

2. Whether the fees introduced as per Delhi High Court Notification of 11.8.06 are exorbitant and need to be rationalized
3. Whether compensation is payable for damages suffered by appellant Maj. Ravindran as a result of the adjournment.

The information sought by appellant Maj. Ravindran has been provided free of cost through a letter of 17.3.07 from Jt. Registrar (Estt.) Shri A.K. Mahajan. Receipt of this information has been acknowledged by appellant Maj. Ravindran in the hearing, pleading, however, that the copy of the petition sought by him in his application has not been provided. Jt. Registrar and PIO Shri A.K. Mahajan has responded by explaining that the High Court is a Court of Record and, therefore, a copy of ongoing judicial proceedings cannot be provided as information until the closure of the judicial proceedings. Jt Registrar and PIO has argued that a copy of the petition can only be given once the matter is decided. Maj. Ravindran has argued that the rules formulated by the High Court do indeed make them subject to the High Court Rules of Procedure but this is in violation of information as defined in sec. 2(f), and also the proviso to sec. 8(1) requiring “that the information which cannot be denied to the Parliament shall not be denied to any person.” On the latter point Jt. Registrar has affirmed that such information as has been withheld in this case can indeed be denied to Parliament.

DECISION NOTICE

ISSUE NO. 1

Since the High Court Rules of Procedure expressly forbid the publication of information of the manner sought by appellant Maj. Ravindran and has specifically mentioned this prohibition also in the RTI Rules of the Hon'ble High Court, such information falls clearly under exemption provided u/s 8(1) (b). It was, however, agreed that the High Court has taken a decision

that all those applications received before the notification of these rules will be responded free of charge. In this case respondents agreed that the fee of Rs. 10/- received from Maj. Ravindran will also be duly refunded.

The issue is disposed of accordingly.

ISSUE NO. 2

As affirmed by Registrar in the hearing the fee of Rs. 500/- deemed by appellant Maj. Ravindran to be exorbitant, has indeed been rationalized and now stands at Rs. 50/-. This also accounts for the contradiction pointed out in the letters received by appellant Maj. Ravindran cited in his appeal before us regarding fees prescribed by APIO in a letter of 15..9.06 and by Appellate Authority in the letter of 20.9.06.

This issue therefore, already stands disposed of.

ISSUE NO. 3

We find that this Commission has been in violation of provision of the RTI Act 2005 in notifying parties of the date of hearing which necessitated adjournment. The appellant Maj. Ravindran is, therefore, entitled to compensation. The demand for Rs. 500/- can indeed be deemed reasonable. This amount will be paid by the Commission

Announced on 16.7.'07. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
16.7.2007

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(L.C. Singhi)
Addl. Registrar
16.7.2007